

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*

State Engineer,

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

04 JUL 29 10:11:21

CLEARANCE

69cv07941 JEC-ACE

RIO CHAMA STREAM SYSTEM

Rio Cebolla, Section 3

Subfile No.: CHCB-006-0001

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

ARTHUR F HIBNER REV TRUST

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 2658

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: EMILIANA MAES NORTH DITCH

Location X: 1,547,221 feet **Y:** 1,998,458 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 13, Township 26N, Range 03E, N.M.P.M.

Pt. NE¼	15.6 acres
Pt. NW¼	0.5 acres
Pt. SE¼	1.7 acres
Pt. SW¼	10.3 acres
Total	28.1 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-006-0001

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 2658

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: SIXTO ALIRE DITCH "A"

Location X: 1,543,504 feet **Y:** 1,995,591 feet

New Mexico State Plane Coordinate System. Central Zone. NAD 1983

Location and Amount of Irrigated Acreage:

Section 14, Township 26N, Range 03E, N.M.P.M.

Pt. SE $\frac{1}{4}$	12.8 acres
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Section 23, Township 26N, Range 03E, N.M.P.M.

Pt. NE $\frac{1}{4}$	29.8 acres
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Pt. NW $\frac{1}{4}$	0.1 acres
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Total	42.7 acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-006-0001

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

C. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: SIXTO ALIRE DITCH "B"

Location X: 1,543,454 feet **Y:** 1,995,316 feet

New Mexico State Plane Coordinate System. Central Zone. NAD 1983

Location and Amount of Irrigated Acreage:

Section 14, Township 26N, Range 03E, N.M.P.M.

Pt. SE $\frac{1}{4}$	1.1 acres
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Section 23, Township 26N, Range 03E, N.M.P.M.

Pt. NE $\frac{1}{4}$	19.6 acres
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Pt. NW $\frac{1}{4}$	1.1 acres
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Total	21.8 acres
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As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-006-0001

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

D. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 2658

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: SIXTO ALIRE DITCH "C"

Location X: 1,546,057 feet **Y:** 1,996,608 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 13, Township 26N, Range 03E, N.M.P.M.

Pt. SW $\frac{1}{4}$ 40.8 acres

Section 14, Township 26N, Range 03E, N.M.P.M.

Pt. SE $\frac{1}{4}$ 1.3 acres

Section 23, Township 26N, Range 03E, N.M.P.M.

Pt. NE $\frac{1}{4}$ 2.5 acres

Section 24, Township 26N, Range 03E, N.M.P.M.

Pt. NW $\frac{1}{4}$ 18.9 acres

Total 63.5 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-006-0001

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

E. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) NONE

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: SIXTO ALIRE DITCH "A"

Location X: 1,543,504 feet **Y:** 1,995,591 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 23, Township 26N, Range 03E, N.M.P.M.

Pt. NE¼	0.8 acres
Pt. NW¼	3.8 acres
Total	4.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-006-0001

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:


SPECIAL MASTER

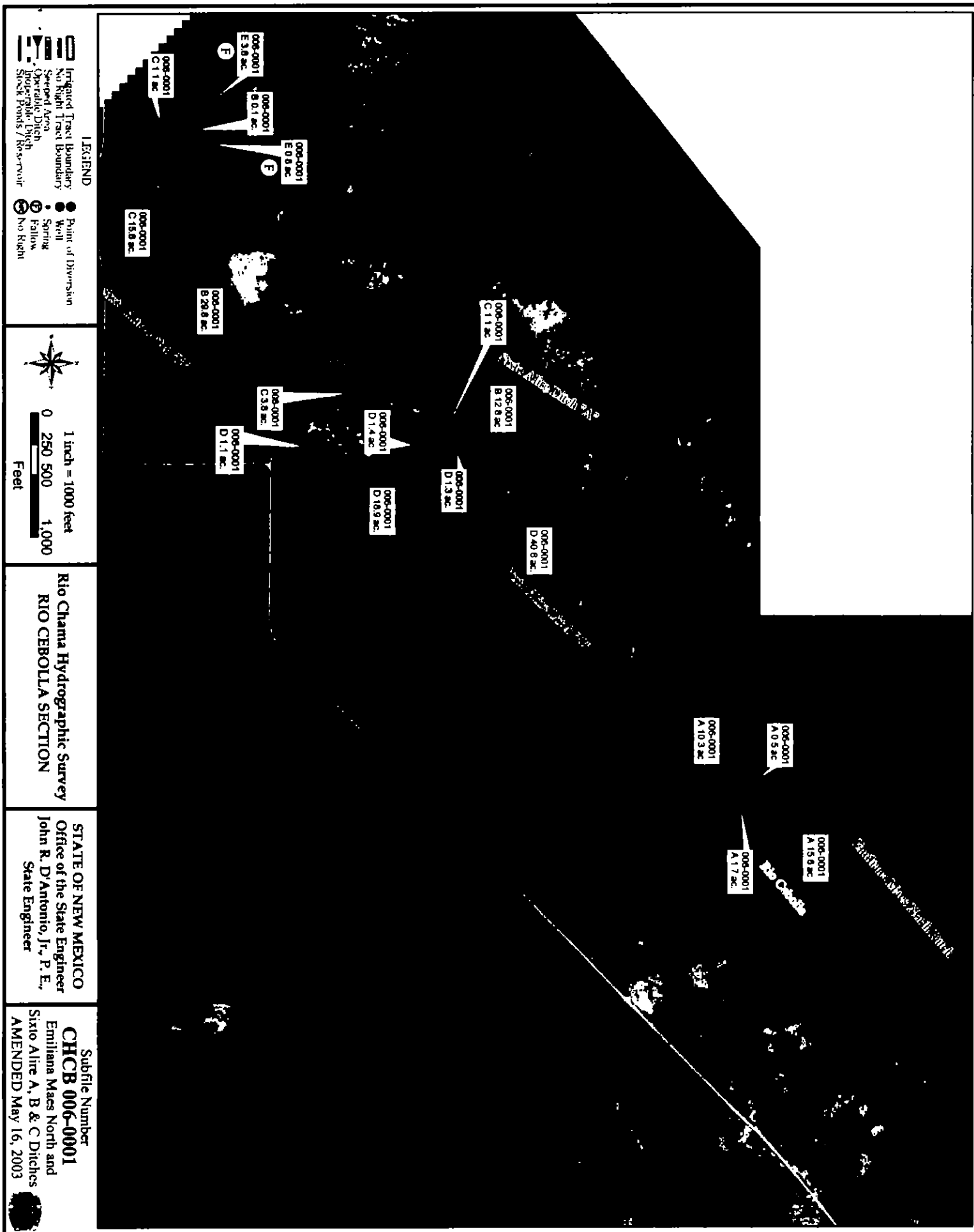
ACCEPTED: 
ARTHUR F HIBNER REV TRUST

ADDRESS: 210 Rivera Rd SE
Deming NM 88030

DATE: 5/18/2004

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

7.13.04
Date



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO *ex rel.*
State Engineer.

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

04 JUL 29 AM 11:21

OLEN LUNA FE

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Rio Cebolla, Section 3

Subfile No.: CHCB-005-0005

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico
and Defendant(s):

ARTHUR F HIBNER REV TRUST

concerning the Defendant's right to use the public waters of the Rio Chama Stream System,
as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rio Cebolla, Section 3, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rio Cebolla, Section 3, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 01133 - 01167

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: EMILIANA MAES SOUTH DITCH

Location X: 1,549,456 feet **Y:** 1,999,854 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 13, Township 26N, Range 03E, N.M.P.M.

Pt. NE $\frac{1}{4}$ 21.4 acres

Section 18, Township 26N, Range 04E, N.M.P.M.

Pt. NW $\frac{1}{4}$ 1.8 acres

Total 23.2 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-005-0005

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 01133 - 01167

Priority: Reserved for future determination by court order entered July 25, 2000.

Source of Water: Surface waters of the Rio Cebolla, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: EMILIANA MAES SOUTH DITCH

Location X: 1,549,456 feet **Y:** 1,999,854 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Section 13, Township 26N, Range 03E, N.M.P.M.

Pt. NE¼	10.9 acres
Total	10.9 acres

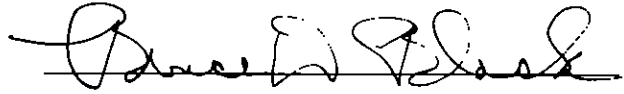
As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCB-005-0005

Amount of Water: Reserved for future determination by court order entered July 25, 2000.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rio Cebolla, Section 3, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rio Cebolla, Section 3, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rio Cebolla, Section 3, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Valerie L. Gabrin
SPECIAL MASTER

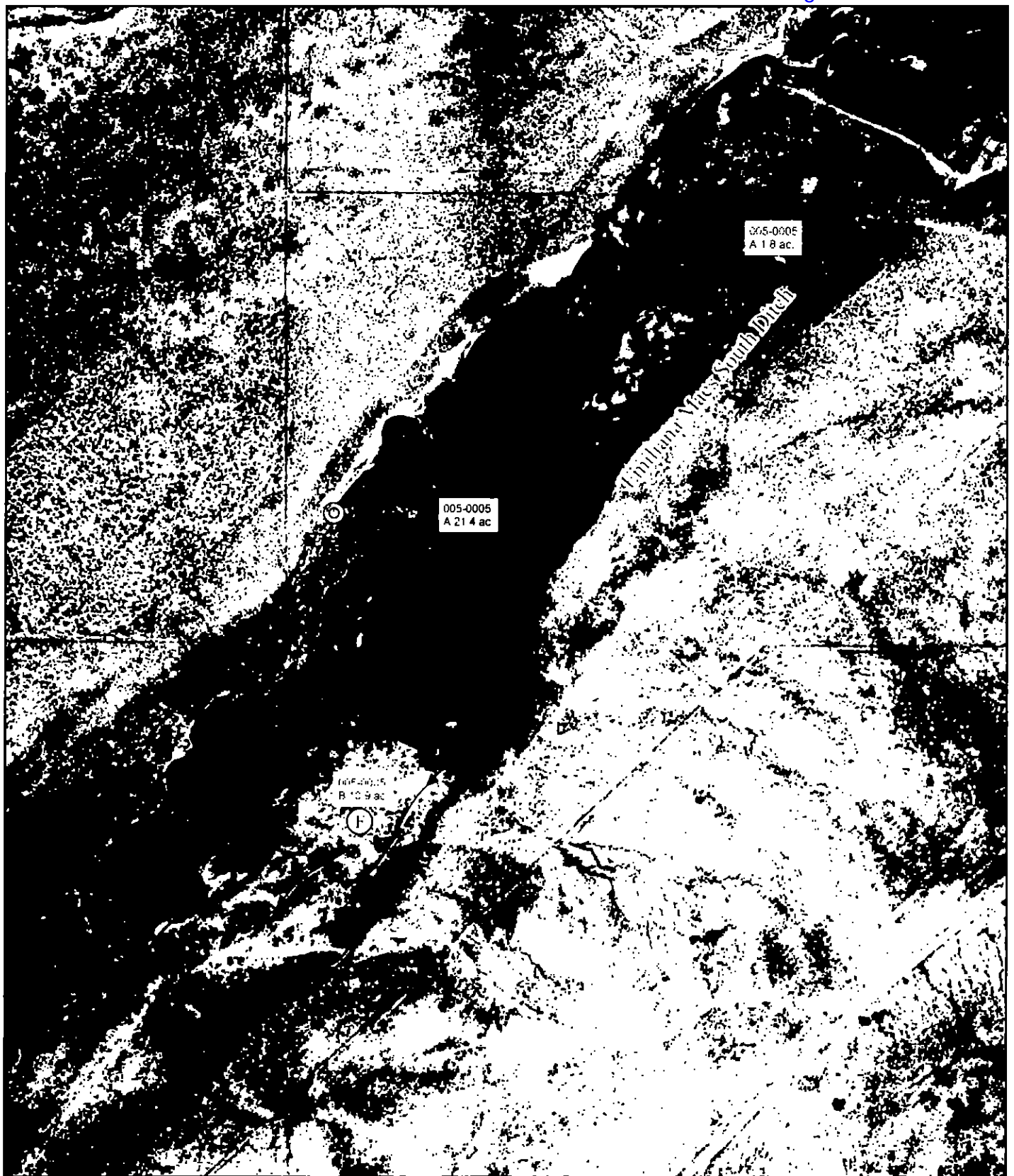
ACCEPTED: Phil Hibner
ARTHUR F HIBNER REV TRUST

ADDRESS: 210 Rivera Rd SE
Deming, NM 88030

DATE: 5/18/2004

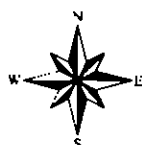
Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

7.13.04
Date



LEGEND

- | | |
|-------------------------|-----------------------|
| Irregular Line Boundary | Point of Intersection |
| No Right Turn Boundary | Well |
| Survey Line | Survey |
| Variable Ditch | Sale |
| Inoperative Ditch | No Right |
| Statewide Ditch | |



1 inch = 400 feet

0 100 200 400 Feet

STATE OF NEW MEXICO
Office of the State Engineer
John R. D'Antonio, Jr., P. E.,
State Engineer

Rio Chama Hydrographic Survey
Rio Cebolla Section

Subfile Number
CHCB 005-0005
Emiliana Maes
South Ditch
AMENDED
September 5, 2003

